



**REGULAR MEETING  
MINUTES OF ACTIONS  
Wednesday, June 26, 2013  
Art Pick Council Chambers  
3900 Main Street, Riverside, CA**

**4:00 PM – CASE REVIEW**

**Case Review Roll Call**

Rotker	VACANT	Ybarra	Taylor	Ortiz	Jackson	Roberts	Maciel	Adams
✓	■	✓	✓	✓	✓	✓	✓	✓

✓ = Present    **B** = Absent / Business    **S** = Absent / Sick    **V** = Absent / Vacation    **O** = Absent / Other  
**UE** = Absent / Unexcused    **L** = Late    **LE** = Left Early    **■** = Vacant

**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

**Public Comment**

This is an opportunity for members of the public to address the Commission on closed session items.

There were no public comments regarding closed session items.

**Closed Session – Case Review**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:04 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	12-032	PC-12-06025
2)	13-010	PC-13-04018
3)	13-006	PC-13-04015
4)	13-008	PC-13-04021
5)	13-013	PC-13-04023
6)	13-018	PC-13-05032

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

## **5:30 PM – REGULAR MEETING**

Audio for the following proceedings is available at [www.riversideca.gov/cprc](http://www.riversideca.gov/cprc).

### **PLEDGE OF ALLEGIANCE**

#### **Regular Meeting Roll Call**

Rotker	VACANT	Ybarra	Taylor	Ortiz	Jackson	Roberts	Maciel	Adams
✓	■	✓	✓	✓	✓	✓	✓	✓

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**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

#### **Public Comments**

Public comment on any subject matter within the Commission's jurisdiction.

There were no public comments.

#### **Approval of Minutes**

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
<b>A)</b> May Regular Meeting	Rotker	Jackson	<b>7</b>	0	Roberts
<b>B)</b> June 12 Special Meeting	Adams	Taylor	<b>7</b>	0	Ybarra

#### **RPD Briefing**

Preliminary briefing on the officer-involved death of Rashad J. Hopes on June 11, 2013.

Asst. Chief Chris Vicino briefed the Commission on the Hopes incident. (The audio, along with the slide show presentations, are available on the CPRC website.)

Questions were asked of Asst. Chief Vicino regarding the incident.

Commissioner Rotker:

- Was the suspect's gun loaded?
  - It was a revolver and loaded with six rounds that had already been fired.
- 15 rounds were fired by the officers, but the suspect was struck only once?
  - Yes.
- Where did the other rounds go?
  - With the 91 Freeway behind the suspect, most rounds were unaccounted for.
- The scene was well illuminated. What was the distance?
  - 45 to 50 feet.
- The officer with the AR-15 struck the decedent?
  - Yes, and he was running the entire time.
- Why was the suspect hit only once although 15 rounds were fired?
  - One of the officers had a canine and was trying to contain his dog.

Vice-Chair Jackson:

- The suspect wasn't the one who fired the gun?
  - I'm only telling you the condition of the gun when it was found. The officers didn't report that shots were fired from that gun. The officers only said that when he came around the corner, he was pointing the gun at them.

Commissioner Taylor:

- Was he involved another incident in another city or community?
  - Yes. Something occurred on the 91 and the CHP was involved. incident Seems to have been a case of road rage between the decedent's car and another one.

Chairwoman Roberts:

- Were there passengers still in the car?
  - Yes. They stayed in the car.

Chairwoman Roberts thanked Asst. Chief Vicino for the presentation.

### **Training by RPD Lt. Larry Gonzalez**

#### **A) TASER and related force options utilized by Riverside Police Officers**

The previous meeting's discussion of the Ledezma OIG raised questions about RPD's use of Tasers and other related force options. As a result of this discussion, the Commission asked for a training presentation by RPD regarding these topics.

Lt. Gonzalez began his presentation by posing the question of what makes an officer go from no use of force to use of force. He noted that 1 out of 10 calls received is a "5150" call and that domestic violence calls are some of the most dangerous.

He then showed a video of a naked man doing acrobatics and accosting people in a Bart Station in San Francisco.

He said that most officers now have their Tasers out when dealing with incidents of this nature. He said there are two ways to use a Taser: the darts or direct contact, which is used when the dart cartridge has been used or there is not enough room to deploy the darts. Two points of contact are needed for a Taser to work. If only one dart is in, the officer needs to try and find a second point of contact.

The "naked dancer" exhibited Excited Delirium. Officers should call for medical aid in a situation of this nature and should not engage the suspect until this person can safely be taken into custody.

Commissioner Rotker:

- Are Tasers used in Excited Delirium situations? And wasn't the dancer a case of Excited Delirium?
  - Yes.
- Would officers use a Taser in this type of incident and what effect would this have on an Excited Delirium suspect?
  - Policy isn't going to say not to use it, but the officers need to make sure to call for medical aid. Excited Delirium doesn't mean they'll die if a Taser is used. In half the incidents involving Excited Delirium, the Taser was used. Tasers reduce both suspect and officer injury when used. We want officers to use the reasonable force options available to them.

Commissioner Taylor:

- Are Tasers issued to all patrol officers?
  - All officers are Taser trained, but it's not mandatory that they carry them. We make sure they are available to all officers. We always want to have lethal coverage when less-lethal is being used. It's our responsibility to always have lethal coverage available.
- What about situations involving the officer's state of mind? This current case brings up that question.
  - The US Supreme Court says an officer's actions can't be judged in hind-sight. The concern

regarding state of mind is all about perception, but in the video era, perception is now gone. The officer's perception is gone in lieu of video.

Commissioner Rotker:

- Discussion of this nature is what caused us to ask for this training. Couldn't the officers have used less-lethal? What other actions could the officers have taken? Having difficulty resolving that.
  - It must excite the fears of a reasonable person.
- That helps, but still conflicted. I can appreciate the officers' perceptions, but we need to determine if those perceptions were right.

Commissioner Adams:

- Tasked with determining if it excites the fears of a reasonable person helps.

Vice-Chair Jackson:

- I don't have a problem with state of mind, but am concerned that officers have the option not to carry the Taser. Are there other less-lethal options that they aren't required to carry?
  - That is the only one I can think of that's optional. We have officers use less-lethal that they're comfortable with. The Taser is a little more complicated, but it may become mandatory.
- What is the maximum distance for the Taser?
  - There are 15' and 21' length darts. 21' is for law enforcement only. 21' has more of a spread. Could this incident have been dealt with sooner (referring to a second video that was shown). Tactics are constantly evolving as technology evolves.

Chairwoman Roberts:

- What would you have done differently?
  - I would have done a 2-man take down and would have reacted a lot quicker. These officers gave the suspect a handcuff on one wrist that could be used as a weapon. Officers can't go half way. They want to end these situations as quickly as possible.

Vice-Chair Jackson:

- What is the training that officers are getting? What's new and different?
  - We work on the perishable skills. We make sure we include scenario-based training, show them what options are available, and help sharpen their control holds.

Chairwoman Roberts thanked Lt. Gonzalez for the training and said that maybe in the future, the Commission could get officer training techniques demos again.

## **Outreach**

### **A) June Outreach**

Commissioner Maciel:

- June 1 – "Relay for Life"
- Internal Affairs class

Commissioner Taylor:

- May 11 – "Keep Riverside Clean"
- May 25 – Chili Cook Off
- May 30 – attended Councilmember Adams' congressional announcement
- June 15 – Walk with the Mayor

Commissioner Rotker:

- Attended RPD's firearms range training and found it very educational and useful. Recommend that all commissioners attend this training.

Vice-Chair Jackson:

- June 18 – Council Meeting swearing in new Councilmembers

Commissioner Ortiz:

- June 29 – Ryan Bonaminio Park Grand Opening
- June 30 – Chavez Memorial unveiling

## **B) Scheduled Outreach Events**

Commissioner Adams:

- June 29 – Ryan Bonaminio Park Grand Opening
- June 30 – Heritage House Ice Cream Social
- July 4 – numerous events throughout the city
- Trying to get a list a various neighborhood meetings

## **C) Future Outreach Opportunities**

- 1) Input from Outreach Coordinator on upcoming outreach events
- 2) Input from Commission Members on potential outreach events

None were noted.

## **OLD BUSINESS**

### **Ledezma Officer-Involved Death (OID) Case Evaluation**

Discussion and action, if any, on the Ledezma OID case evaluation. The Commission has begun Stage I (Commission Member Review) and has moved on to Stage II (Fact Finding, Request for Training & Investigation). The Commission may return to discussion of completed Stages, if needed.

Chairwoman Roberts began by noting that the Commission had been waiting on training and the fact sheet.

Mr. Hauptmann said he was still working on the fact sheet. He said that having three shooters creates more reading and details to extract. He noted that he will attempt to point commissioners in the direction of what would be the important issues.

Chairwoman Roberts said she believed most commissioners have read the entire report, but does not know if anyone has decided yet whether the officers' actions were in or out of policy.

Commissioner Rotker said he felt it was too soon to make that decision. He said they should follow the stages and have the fact sheet first.

Chairwoman Roberts reminded commissioners that OID review is not a definitive process as someone might be thinking about something right now that would be worth discussing. Also, Mr. Hauptmann doesn't want commissioners to rely on the fact sheet alone. She informed the new commissioners that there is a process used to evaluate OIDs, but the evaluation doesn't have to be in the consecutive order of the stages.

Vice-Chair Jackson wondered if the training helped and noted that Commissioner Maciel's question about two officers shooting while one did not.

Commissioner Maciel said that the training was helpful, but is still at the same point she was before, noting that it does come down to the officers' frame of mind.

Commissioner Taylor asked if anyone had considered that the officers planned it so that one officer used less lethal force while the other officers would use lethal force.

Chairwoman Roberts noted that was a good point and asked if Mr. Hauptmann could ask about it.

Mr. Hauptmann said that when there is a situation like this one, one officer may tell the others that he would use less-lethal and then there would be cover officers for that officer. These officers didn't have any less-lethal available other than the Taser. He said he would ask Lt. Gonzalez to come back to answer questions for better clarification and inform commissioners how Riverside trains for situations like this and what options are available.

Commissioner Maciel said she believed the officers' actions were within policy, but feels that additional training would help with writing the rationale. She also asked why officers wouldn't bring all less-lethal options available to them.

Chairwoman Roberts said that while she understood that some officers don't like Tasers, she also knew there are other less lethal options.

Commissioner Adams said there were three officers. The Taser didn't work. The suspect had a pipe. She said it was three vs. one and wondered why the three officers couldn't have taken down one man.

Vice-Chair Jackson said she didn't remember reading that the officers talked about a cover plan, but was curious about how that played out. She said she had assumed that all the officers had Tasers, but doesn't know now if that was the case. She also expressed concern that there is no mandate that all officers be required to carry some form of less lethal weapon.

Commissioner Rotker said he didn't know if the officers had a pre-incident meeting on how they were going to deal with situation, but assumed that they didn't. He also questioned whether the other two officers had Tasers. He said he believed there was a threat posed by Ledezma and noted he was sensitive to how quickly things can escalate.

Mr. Hauptmann said there were two neighbors who were witnesses and that one of them saw Ledezma pick up a metal pipe and throw it at full force. Mr. Hauptmann said that officers will not get closer to a person doing this, or if they do, it could be perceived as escalating the situation. He said that officers should not respond to a domestic violence call with just a less-lethal shotgun because people won't know that it's less-lethal. He noted that the speed at which things happen is always a critical factor. He also said that Force Science does a lot of research on how quickly things can escalate and how long it takes for a person to react. He said this would be a good question to ask when Lt. Gonzalez comes back for additional training.

Commissioner Ortiz expressed concerns similar to Commissioner Adams'. He said he is looking for the officers' impressions that there was an immediate danger from Ledezma.

Commissioner Rotker said they have an obligation to review all the evidence that was submitted, some of which was submitted to CPRC Investigator Mike Bumcrot by a family member. This was a PVC pipe and it was turned over to RPD. He asked whether or not that pipe was believed to be the pipe that was thrown, that they need to determine the credibility of that evidence, how much impact it has, and if it makes any difference to the Commission. PVC vs. metal pipe should be mentioned and that that evidence was submitted.

Commissioner Maciel agreed, noting that a PVC pipe doesn't take as much energy to throw.

Commissioner Taylor said he was aware that a family member gave a PVC pipe to Mr. Bumcrot. He also noted that there is mention in the casebook of a white metal pipe that is used for a car jack.

Chairwoman Roberts said that whether the pipe was plastic or metal, the officer didn't know if or where it would hit him. The family submitted the pipe they say was thrown at officers.

Mr. Hauptmann said that the PVC pipe was not recovered at the time of the incident. The two items that were identified as evidence were recovered by RPD and are shown in the photos.

Vice-Chair Jackson said she had no problem seeing either of these pipes thrown, and in an effort of deadly force. She noted that she has done research on how officers are injured or killed by other than normal means and has attended OIS classes that were very good. She said it might be helpful to have a training mini-course along these lines. She also said that officers wouldn't have left the PVC pipe if they thought it had been involved.

Mr. Hauptmann asked Vice-Chair Jackson if Bruce Praet was an instructor in the OIS class. She said he was and Mr. Hauptmann said he would be willing to give a training presentation to the Commission. He also noted that he might be able to get some training from a Force Science certified analyst and that he would contact Mr. Praet and someone from Force Science to assist in training.

Commissioner Rotker said he had brought up the PVC pipe because the Ledezma family thought it should be given to the Commission. He said he was convinced that it wasn't used by Ledezma.

Chairwoman Roberts said the neighbor clearly heard metal striking the ground after the pipe was thrown.

## **NEW BUSINESS**

### **Dunbar Officer-Involved Death (OID) Case Evaluation**

Begin discussion and action, if any, on the Dunbar OID case evaluation. The Commission may be instructed to begin Stage I (Commission Member Review) and may move on to discussion of Stage II (Fact Finding, Request for Training & Investigation). The Commission may return to discussion of completed Stages, if needed.

Commissioner Rotker said he reviewed the case, but asked about the official cause of death and if it is in the coroner's report, which he hadn't seen in the casebook. He also questioned how the decedent got the gun that he had.

Chairwoman Roberts asked Mr. Hauptmann if they could get the coroner's report. He said they could.

Commissioner Maciel said that she feels the probable cause of death was the bullet that entered the thigh and severed an artery.

### **Staff Report**

Mr. Hauptmann had nothing to report.

### **Commission Member Comments**

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

There were no comments.

### **Items for Future Commission Consideration**

Chairwoman Roberts:

- The Governmental Affairs Committee has a meeting every year to review the City's Code of Ethics. She asked commissioners to review the Code of Ethics to see if there is anything they feel should be modified or added and that this will be agendaized for the July meeting.

- Riverside did not win the bid for NACOLE 2014. The 2014 conference will instead be held in Kansas City, Missouri. The CPRC intends to bid for the 2015 conference.

Vice-Chair Jackson:

- The Commission submitted an awesome bid package, but the 2015 bid will need to be better.

Chairwoman Roberts:

- There will be no 2<sup>nd</sup> Wednesday meeting in July.

### **Adjournment**

The Commission adjourned at 7:38 PM.

Respectfully submitted,



PHOEBE SHERRON  
Sr. Office Specialist

06-26-13 Minutes – Jun Regular